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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

NO. CR 10-096 MJP

10 Plaintiff,

11 v.

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

12 GILBERT DEAN NEUMILLER,

13 Defendant.

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15 An initial hearing on a petition for violation of supervised release was held before the
16 undersigned Magistrate Judge on December 29, 2011. The United States was represented by
17 Assistant United States Attorney Jeff Backus, and the defendant by Nancy Tenney.

18 The defendant had been charged and convicted of Bank Fraud and Aggravated Identity
19 Theft, in violation of 18 U.S.C. §§ 1344 and 1028A. On or about July 9, 2010, defendant was
20 sentenced by the Honorable Marsha J. Pechman, to a term of twenty eight (28) months in
21 custody, to be followed by five (5) years of supervised release.

22 The conditions of supervised release included the requirements that the defendant
23 comply with all local, state, and federal laws, and with the standard conditions. Special
24 conditions imposed included, but were not limited to, participation in substance abuse and
25 mental health programs, submit to search, restitution, drug aftercare, mental health treatment to
26 include MRT, among others.

1 In a Petition for Warrant or Summons, dated December 21, 2011, U.S. Probation
2 Officer Jennifer J. Tien asserted the following violations by defendant of the conditions of his
3 supervised release:

4 (1) Using alcohol on or before November 7 and 15, 2011, in violation of the special
5 condition of drug after care;

6 (2) Using opiates (Vicodin) on or before November 15, 2011, in violation of standard
7 condition number 7.

8 (3) Failing to report a change in residence, ten days prior to any change in residence, in
9 violation of standard condition number 6;

10 (4) Failing to work regularly at a lawful occupation, unless excused for schooling or
11 other reasons, in violation of standard condition number 5;

12 (5) Failing to participate in substance abuse treatment, in violation of the special
13 condition of drug aftercare;

14 (6) Using amphetamine on or before December 13, 2011, in violation of standard
15 condition number 7.

16 The defendant was advised of his rights, acknowledged those rights, and admitted to
17 alleged violations 1, 2, 3, 4, 5, and 6.

18 I therefore recommend that the Court find the defendant to have violated the terms and
19 conditions of his supervised release as to violations 1, 2, 3, 4, 5, and 6, and that the Court
20 conduct a hearing limited to disposition. A disposition hearing on these violations has been set
21 before the Honorable Marsha J. Pechman on January 17, 2012 at 10 a.m.

22 Pending a detention hearing scheduled for January 17, 2012, the defendant has been
23 detained.

24 DATED this 29th day of December, 2011.

25 /s/JAMES P. DONOHUE
26 JAMES P. DONOHUE
United States Magistrate Judge

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2 cc: District Judge: Honorable Marsha J. Pechman
3 AUSA: Jeff Backhus
4 Defendant's attorney: Nancy Tenney
Probation officer: Jennifer Tien
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